DEPARTMENT OF
ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
1/25/1994

WATER RIGHT NUMBER
G3-29618

MAILING ADDRESS
Diamond Lake Sewer District
172 S. Shore Diamond Lake Road
Newport WA 99156-9312

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
300	GPM	0

Purpose

PURPOSE	WITHDRAWAL RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
Municipal	300 GPM	0	01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Pend Oreille	Groundwater		55-Little Spokane

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well #3	443002559030	AHC035	30N	44E	2	NE¼SE¼	48.12251°	-117.19896°
Well #6	443002569011	ACC605	30N	44E	2	SE¼SE¼	48.12120°	-117.20192°
Well #2 (Backup)	443002569011	ACH036	30N	44E	2	SE¼SE¼	48.12115°	-117.20194°

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use (POU) of this water right is the service area described in the most recent Diamond Lake Sewer District Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

Proposed Works

Two 8-inch wells drilled to depths of 75 and 110 feet, respectively. Well #3 is fitted with a 30 HP pump, Well #6 with a 30 HP pump. The municipal distribution system is in place.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
December 1, 2015	December 1, 2017	December 1, 2018

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon request
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

The total combined withdrawal under all Diamond Lake Sewer District water rights is limited to 820 gallons per minute and 822.5 acre-feet per year, continuously, for municipal supply.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Measurements, Monitoring, Metering and Reporting
An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Health Requirements
Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

Water Use Efficiency
The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation
The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections
Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts
Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-29618 subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2013.

Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov. To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser.

INVESTIGATOR'S REPORT
Application for Water Right -- Diamond Lake Sewer District
Water Right Control Number G3-29618
Eastern Regional Office, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-29618. A water right application was submitted by the Diamond Lake Sewer District (DLSD) on January 25, 1994 to increase the instantaneous rate of withdrawal from existing wells for municipal use. Diamond Lake Sewer District currently serves 613 connections.

Table 1 Summary of Requested Water Right

Applicant Name:	Diamond Lake Sewer District
Date of Application:	1/25/1994
Place of Use	Diamond Lake Sewer District's service area within sections 1, 2, and 11, T. 30 N., R. 44 E.W.M. and section 36, T. 31 N., R. 44 E.W.M.

County	Water Body	Tributary To	WRIA
Pend Oreille	Groundwater		55-Little Spokane

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Municipal	300	GPM	0	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well SO3	443002559030	ACH035	30N	44E	2	NE¼SE¼	48.12251°	-117.19896°
Well SO6	443002569011	ACC605	30N	44E	2	SE¼SE¼	48.12120°	-117.20192°
Well SO2 Backup	443002569011	ACH036	30N	44E	2	SE¼SE¼	48.12115°	-117.20194°

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.

Legal Requirements for Approval of Appropriation of Water

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was first published in *The Newport Miner* on June 8 and 15, 1994. There were no protests or comments at that time. However, since that publication, DLSD now uses two wells: Well SO 3 located in the NE¼SE¼, the advertised quarter-quarter section and Well SO 6, a newer well located in the SE¼SE¼. A second legal notice was published in *The Newport Miner* on December 12 and 19, 2012.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
(e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A field investigation was conducted by Jeff MacLennan on December 5, 2012 with Darwin "Buck" Cole, DLSD Senior Operator. DLSD is located at Diamond Lake in Pend Oreille County approximately seven miles southwest of Newport, WA. It was noted that the project has started: Wells SO2, SO3, and SO6 are in place and water is being pumped for municipal supply purposes. According to its January 9, 2012 Water Facilities Inventory Form, DLSD has 613 service connections. This service is provided under the authority of water right certificate numbers G3-24239, G3-24240, G3-26439, and G3-26738. The total combined withdrawal under these rights is limited to 520 gpm and 822.5 acre-feet per year, continuously, for municipal supply.

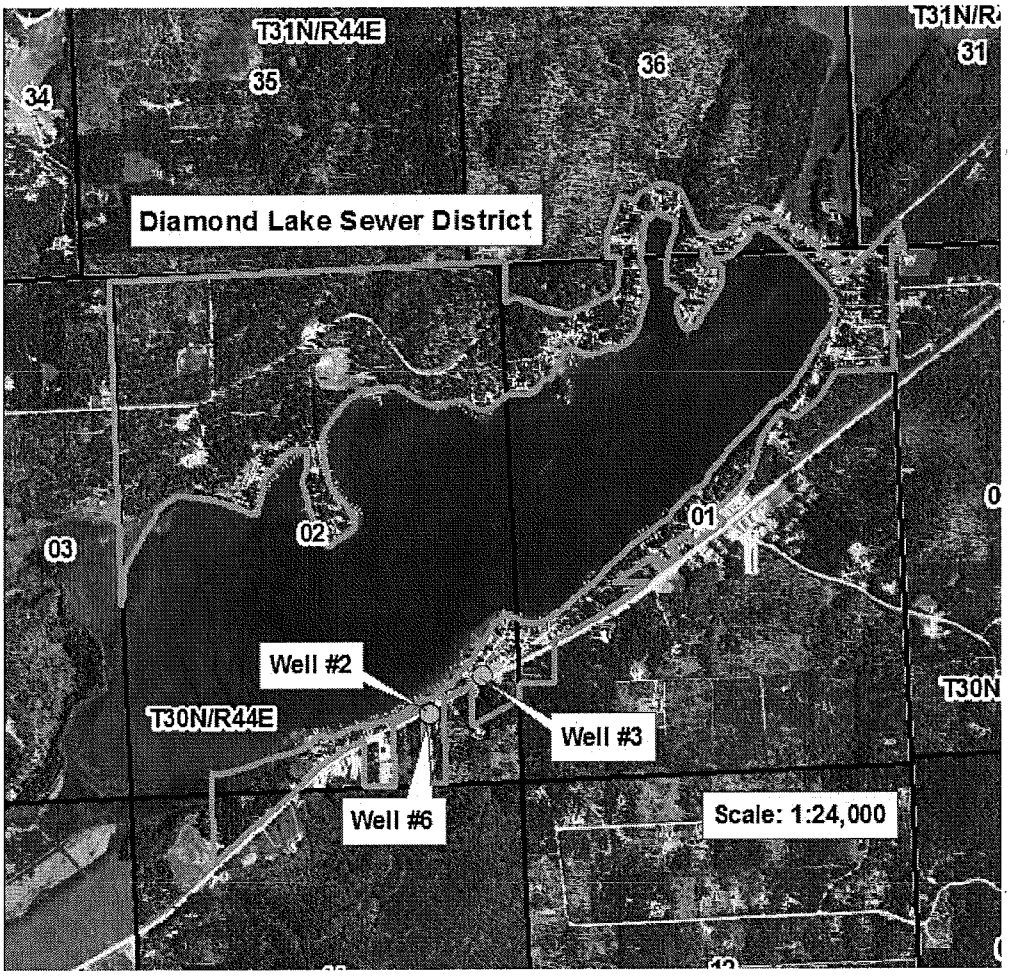
Table 2 Diamond Lake Sewer District Wells

Parameter	SO2	SO3	SO6
Unique Well ID No.	ACH036	ACH035	ACC605
Year Drilled	1974	1988	1996
Dia. (in.)/Depth (ft.)	8/78	8/110	8/75
Casing Length (ft.)	78	110	75
Static Water Level	20	24	19
Pump Type		Submersible	Submersible
Horsepower		30	20
Well Capacity (gpm)	200	500	250

Table 3 Diamond Lake Sewer District Water Use

Year	Total Acre-Feet
2009	173.9
2010	160.4
2011	141.4

2011 Aerial View of Diamond Lake Sewer District Place of Use and Points of Withdrawal



Proposed Use and Basis of Water Demand

RCW 90.03.386(3) requires a municipal water supplier to apply cost-effective water conservation measures as part of its water system planning. The water supplier must also evaluate the effects of delaying the use of inchoate water rights before it may increase use of those inchoate rights. RCW 90.03.320 requires Ecology to consider the public water supplier's use of conserved water when establishing a surface or ground water right construction schedule.

The applicant has asked for an instantaneous rate (Qi) increase of 300 gpm with no increase in annual volume. The current water system has two operating wells capable of producing 750 gpm. There are three reservoirs with a combined storage capacity of 350,000 gallons. Well SO2 is used as a backup well; however, it does not currently have a pump in it. During peak flow operations, the system operates at its authorized maximum Qi of 520 gpm. Due to system losses, water is processed at about 480 gpm. Peak operations occur every day during the summer months for about two hours a day.

According to Mr. Cole, the DLSD water filtration system contains two filters, each capable of processing 250 gallons of water per minute. An additional 300 gpm requires the installation of a third filter. Mr.

Ray King, a DLSD Board commissioner, said DLSD is prepared to enlarge the water filtration system to handle the increased Qi.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water rights in the vicinity of the points of withdrawal located in the SE¼ of section 2, T. 30 N., R. 44 E.W.M.

File #	Person	Doc	Priority	Purpose	Qi	Qa	Source
G3-010944CL	ANDERSON DELLA M.	Claim L	5/1/38	DG	10	2	WELL
G3-016961CL	HANSON W. F.	Claim L	6/1/47	DG	0.05	1	WELL
G3-031812CL	CHANEY J. C.	Claim L	8/1/67	DG	0.01	1	WELL
S3-040393CL	SCHULTZ HAROLD A.	Claim L	6/1/69	IR,DG	160	0.3	DIAMOND LAKE
G3-004784CL	SCRIBNER LELA M.	Claim L	4/1/71	IR,DG	10	488775 gpy	GW

Water Rights held by the Diamond Lake Sewer District:

File #	Person	Doc	Priority	Purpose	Qi	Qa	Source
G3-24239C	DIAMOND LAKE	Cert	4/23/75	MU	250	400	WELL SO3
CG3-24239C	DIAMOND LAKE	Chg ROE					WELL S02, SO3, SO6
G3-24240C	DIAMOND LAKE	Cert	4/23/75	MU	250	400	WELL SO3
CG3-24240C@1	DIAMOND LAKE	Chg ROE					WELL S02, SO3, SO6
G3-26439C	DIAMOND LAKE	Cert	1/14/80	CD	10	11.7	WELL
CG3-26439C@1	DIAMOND LAKE	Chg ROE					WELL S02, SO3, SO6
G3-26738C	DIAMOND LAKE	Cert	11/22/80	CD	10	16*	WELL
CG3-26738C@1	DIAMOND LAKE	Chg ROE					WELL S02, SO3, SO6

*The water rights held by the District totals 520 gallons per minute and 822.5 acre-feet per year. A provision to G3-26738C limited the combined total of G3-26439C and G3-26738C to 20 gallons per minute and 22.5 acre-feet per year.

According to Mr. Gene Drury of Ecology, G3-26738C was originally issued for 16 acre-feet per year however, only a portion of this was additive (10.8 acre-feet per year). Mr. Drury's research into this matter is documented in the Report of Examination for CG3-26738C@1, November 15, 2011.

Also according to Mr. Drury, the original Report of Examination for Certificate G3-24239C incorrectly indicated that the total annual quantities under G3-24239C and G3-24240C were limited to 403.2 acre-feet per year. This was later corrected after a change to G3-24240C on June 30, 1988 by Rynear R. Huffman, Jr. of Ecology. That Report of Examination indicates the correct total is actually 800 acre-feet per year under G3-24239C and G3-24240C.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a

proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

There will be no impairment to existing water users. Although there are several water right claims nearby, an increase in Qi by DLSD should have no noticeable effect.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical availability

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

Legal availability

To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

Considering the factors given above, water is physically and legally available to meet the applicant's needs.

Beneficial Use

The proposed municipal use of water is defined in statute as a beneficial use (RCW 90.54.020(1

Public Interest Considerations

Consideration of Protests and Comments
There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Conclusions

It is the conclusion of this examiner that: (1) public groundwater is available for appropriation for an instantaneous withdrawal of 300 gpm, continuously, for municipal use purposes; (2) this is a beneficial use; (3) it will not impair existing rights; and (4) it will not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

300 gpm
0 acre-feet per year
Municipal

Points of Withdrawal

Well SO2: 1200 feet west, 970 feet north of the SE section corner within the SE¼SE¼, Section 2, Township 30 North, Range 44 E.W.M.

Well SO3: 480 feet west, 1460 feet north of the SE section corner within the NE¼SE¼, Section 2, Township 30 North, Range 44 E.W.M.

Well SO6: 1200 feet west, 950 feet north of the SE section corner within the SE¼SE¼, Section 2, Township 30 North, Range 44 E.W.M.

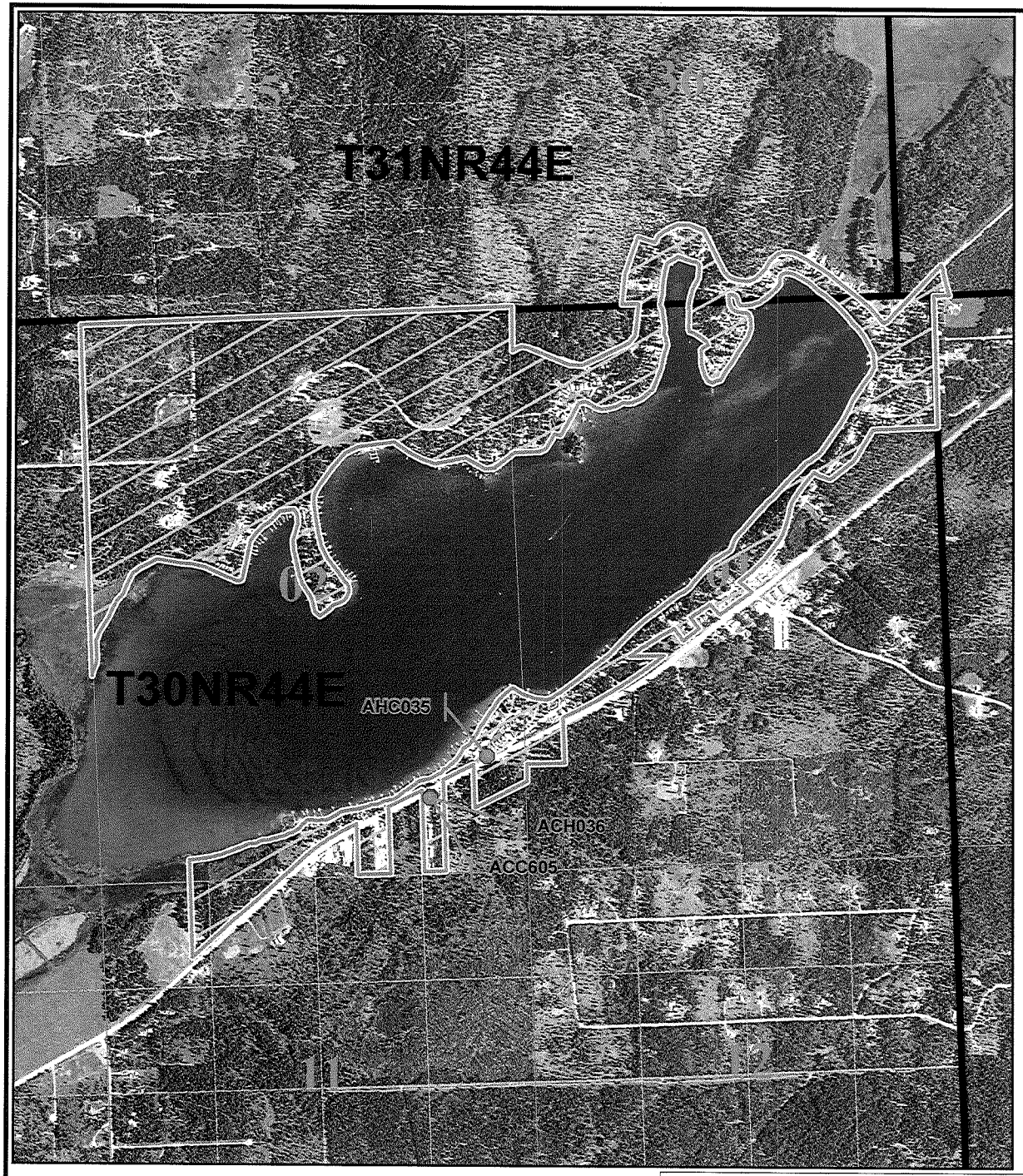
Place of Use

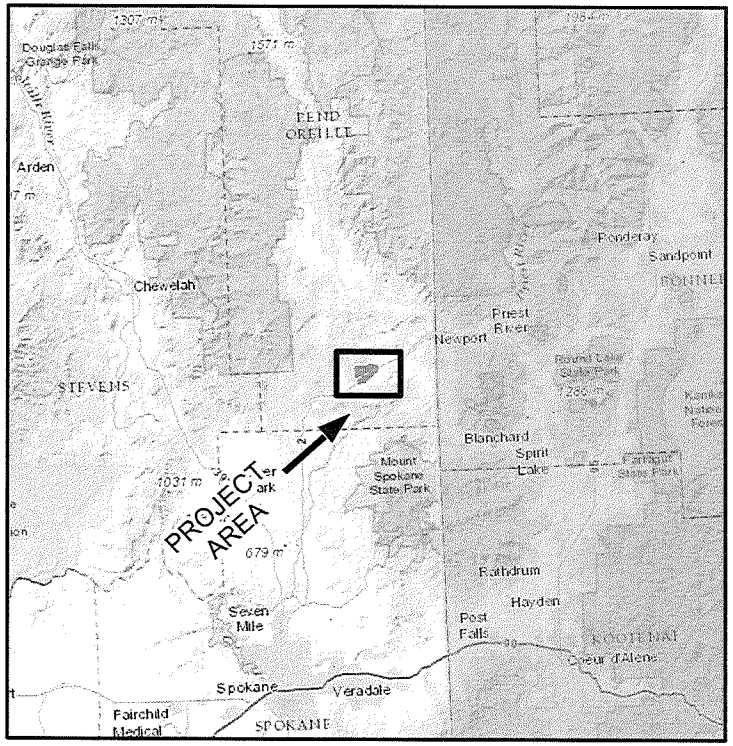
See Page 2.

Jeff MacLennan, Report Writer *Date*

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Diamond Lake Sewer Dist
Water Right Number G3-29618
T31N/R44E, T31N/R45E, T30N/R44E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 2/1/2013

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1